

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
FEBRUARY 5, 2013**

ITEM 3

SUBJECT

CONSIDERATION OF ADOPTION OF THE REVISED DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR THE DISCHARGE OF STORM WATER FROM PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

DISCUSSION

In 1999, the U.S. Environmental Protection Agency promulgated Phase II of its storm water regulations. Phase II required discharges of storm water from small municipal separate storm sewer systems (small MS4s) be in compliance with a National Pollutant Discharge Elimination System permit. The Phase II regulations address both traditional and non-traditional small MS4s. Non-traditional small MS4s are state and federal facilities, located in urbanized areas, whose storm water discharges are not addressed by a Phase I permit. The non-traditional small MS4s include college or university campuses, prisons, and hospitals, etc.

The State Water Resources Control Board (State Water Board) adopted its Phase II Small MS4 permit on April 30, 2003 ([Order No. 2003-0005-DWQ](#)). The existing permit is under renewal and will be superseded when the revised draft order is adopted by the State Water Board and becomes effective.

A public notice was posted on June 7, 2011, advising that the draft Phase II Small MS4 permit was available for public review and comment. Written comments on the draft Phase II Small MS4 permit were due on August 8, 2011. The comment deadline was subsequently extended to September 8, 2011.

Based upon public comment, the draft Phase II Small MS4 permit was revised. On May 21, 2012, the revised draft Phase II Small MS4 permit was released to the public for review and comment. The comment deadline was July 23, 2012. A public hearing on the revised draft Phase II Small MS4 permit was held on August 8, 2012.

Based again upon the comments received during the public comment period and at the August 8, 2012, public hearing, staff proposed additional revisions to the revised draft Phase II Small MS4 Permit. The State Water Board circulated a second revised draft Phase II Small MS4 Permit on November 16, 2012, and sought comments on the revisions with a public comment period closing December 17, 2012. The State Water Board scheduled a workshop on the Permit for January 8, 2013, and will consider adoption of the revised draft Phase II Small MS4 Permit at its February 5, 2013, Board meeting.

There has been considerable interest in the revised draft Phase II Small MS4 permit by the public, small MS4s subject to the permit, state and federal agencies subject to the permit, and the Regional Water Quality Control Boards (Regional Water Boards). Numerous comments have been received and were carefully considered by staff. State Water Board staff has additionally met with stakeholders on several occasions to review their concerns, and with State Water Board management to resolve and address the comments and concerns. The revised

draft Phase II Small MS4 permit reflects the changes made as a result of the comments and concerns of all interested parties.

POLICY ISSUE

Should the State Water Board adopt the revised draft Phase II Small MS4 permit?

FISCAL IMPACT

If the State Water Board adopts the revised draft Phase II Small MS4 permit, there will be costs associated with the administration of the permit. However, most of these costs are already incurred with the administration of the existing Phase II Small MS4 permit.

REGIONAL BOARD IMPACT

All Regional Water Boards.

STAFF RECOMMENDATION

Adopt the [revised draft Phase II Small MS4 permit](#).

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update 2008-2012 to enhance consistency across the Water Boards, on an ongoing basis to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.